



U.S. Department
of Transportation
**Research and
Special Programs
Administration**

400 Seventh St., S.W.
Washington, D.C. 20590

JAN 3 2003

DOT-E 12782
(SECOND REVISION)

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| EXPIRATION DATE: November 30, 2004 |
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(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: Air Liquide America L.P.
Houston, Texas
(Former grantee: Air Liquide American Corporation)
2. PURPOSE AND LIMITATION:
 - a. This exemption authorizes the transportation in commerce of certain DOT specification cylinders containing Divisions 2.1, 2.2 or 2.3 materials that are equipped with plastic valve protection caps. This exemption provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in development of this exemption only considered the hazards and risks associated with transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, use as a component of a transport vehicle or other device, or other uses not associated with transportation in commerce.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.301(h)(2)(i) and § 173.40(d)(2) in that the valve protection caps made from a material other than metal are not authorized, except as specified herein.
5. BASIS: This exemption is based on the application of Air Liquide American Corporation dated October 28, 2002 submitted in accordance with § 107.105 and the public proceeding thereon.

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6. HAZARDOUS MATERIALS (49 CFR § 172.101):

| Hazardous Materials Description | | | |
|---|---------------------------|-----------------------|---------------|
| Proper Shipping Name | Hazard Class/ Division | Identification Number | Packing Group |
| Division 2.1 gases authorized in DOT specification cylinders | 2.1 | As applicable | As applicable |
| Division 2.3, Hazard Zone A and B materials, subject to § 173.40 and Division 2.3 Hazard Zone C and D materials, subject to § 173.301(h). | 2.3 | as applicable | as applicable |
| Nitrous oxide | 2.2 | UN1070 | n/a |
| Oxygen, compressed | 2.2 | UN1072 | n/a |

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT specification cylinders that are equipped with plastic valve protection caps. The cylinder valve assembly must be protected with the plastic cap such that no leakage occurs when the cylinder with the valve installed is dropped 2.0m (7 ft) or more onto a non-yielding floor, impacting the valve assembly or protection cap at an orientation most likely to cause damage.

b. MARKING - Each cylinder equipped with a plastic protection cap must be marked "DOT-E 12782" in addition to the specification markings.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this exemption who receives a package covered by this exemption may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this exemption and the HMR.

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b. A current copy of this exemption must be maintained at each facility where the package is offered or reoffered for transportation.

9. MODES OF TRANSPORTATION AUTHORIZED: Motor vehicle.
10. MODAL REQUIREMENTS: There are no modal specific requirements associated with this exemption.
11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this exemption and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:
- o All terms and conditions prescribed in this exemption and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
 - o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this exemption must receive training on the requirements and conditions of this exemption in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this exemption, including display of its number, when this exemption has expired or is otherwise no longer in effect.

12. REPORTING REQUIREMENTS: The carrier is required to report any incident involving loss of packaging contents or packaging failure to the Associate Administrator for Hazardous Materials Safety (AAHMS) as soon as practicable. (Sections 171.15 and 171.16 apply to any activity undertaken under the authority of this exemption.) In addition, the holder(s) of this exemption must inform the AAHMS, in writing, of any incident involving the package and shipments made under the terms of this exemption.

Issued in Washington, D.C.:



for Robert A. McGuire
Associate Administrator for
Hazardous Materials Safety

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(DATE)

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Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration, Department of Transportation, Washington, D.C. 20590.
Attention: DHM-31.

Copies of this exemption may be obtained by accessing the Hazardous Materials Safety Homepage at <http://hazmat.dot.gov/exemptions> Photo reproductions and legible reductions of this exemption are permitted. Any alteration of this exemption is prohibited.

PO: CWF/AM